

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 170

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE SALE OF LEAD ACID BATTERIES; AMENDING SECTION 39-7003, IDAHO CODE, TO INCREASE THE FEE FOR A PERSON WHO PURCHASES A NEW LEAD ACID BATTERY AND TO INCREASE THE FEE WHEN ANY PERSON PRESENTS A USED LEAD ACID BATTERY TO THE SELLER WITH A RECEIPT FOR THE PURCHASE OF A NEW BATTERY FROM THAT SELLER WITHIN THE THIRTY DAY PERIOD IMMEDIATELY FOLLOWING THE PURCHASE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-7003, Idaho Code, be, and the same is hereby amended to read as follows:

39-7003. SALE OF LEAD ACID BATTERIES – FEE – NOTICE. (1) A lead acid battery seller shall accept from customers at the point of transfer used lead acid batteries of the type and quantity sold at that point of transfer and may accept additional batteries. A lead acid battery seller shall post a written notice which is clearly visible in the public sales area of the establishment and which contains the following language:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.  
Recycle all used batteries."

The seller is required by law to accept used lead acid batteries. When any new lead acid battery is purchased, an additional fee of ~~five ten~~ dollars (~~\$5~~\$10.00) will be charged unless a used battery is returned for refund within thirty (30) days.

(2) Each person who purchases a new lead acid battery shall be assessed a fee of ~~five ten~~ dollars (~~\$5~~\$10.00) per battery by the seller. A seller shall refund the ~~five ten~~ dollar (~~\$5~~\$10.00) fee to any person who presents a used lead acid battery to the seller with a receipt for the purchase of a new battery from that seller within the thirty (30) day period immediately following the purchase. A seller may keep any lead acid battery fee moneys which are not properly claimed within thirty (30) days after the date of sale.

(3) All lead acid batteries sold after July 1, 1992, shall bear a universally accepted recycling symbol.

(4) An advertisement or other printed promotional material related to the sale of lead acid batteries shall contain the following notice in bold print:

"A fee is imposed on the purchase of each new lead acid battery unless a used battery is returned where applicable."

(5) The provisions of this section do not apply to a person whose sales of batteries are not in the ordinary course of business.

1           (6) A wholesale seller of lead acid batteries who sells batteries to this state, to a political  
2 subdivision of this state or to a private entity which resells the batteries is not subject to the  
3 fees in this chapter.

4           (7) A person or entity who manufactures or sells equipment or vehicles, the final product  
5 of which includes a lead acid battery as a component part, is not subject to the fees in this  
6 chapter as long as the lead acid battery is attached to and is a component part of said equipment  
7 or vehicle.

8           SECTION 2. An emergency existing therefor, which emergency is hereby declared to  
9 exist, this act shall be in full force and effect on and after its passage and approval.